

IN RE: PETITION FOR ZONING VARIANCE *
W/S York Road, 473' N of the *
c/1 of Shawan Road *
(11426 York Road) *
8th Election District *
3rd Councilmanic District *
Howard B. Mays, M.D., et al *
Petitioner *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 88-311-A *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein requests a variance to permit a side yard setback of 5 feet in lieu of the required 30 feet minimum and a sum of 35 feet for both side yard setbacks in lieu of the required minimum sum for both of 80 feet, and additionally, a rear yard setback of 5 feet in lieu of the required 40 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Howard B. Mays, M.D., appeared, testified and were represented by Stuart D. Kaplow, Esquire. The Contract Purchaser of the subject property, SK Properties, by Susan Knott, appeared, testified and was also represented by Mr. Kaplow. Barre C. Lyons, a registered Landscape Architect, testified on behalf of the Petition. Sarah Adams, an adjoining property owner, appeared and testified in opposition.

At the outset of the hearing, the Petitioner moved to amend the Petition to dismiss the request for a rear yard setback of 5 feet in lieu of the required minimum 40 feet and to request a sum of 47 feet for both side yard setbacks in lieu of the required minimum sum for both of 80 feet. The motion was granted.

Testimony indicated that the subject property, zoned M.L.R., is located on the west side of York Road north of Shawan Road and is currently improved with a vacant two-story brick dwelling. The Contract Purchaser proposes the construction of a three-story, 13,500 sq.ft. office building approximately 40 feet from York Road along the front property line and 5 feet from the north side boundary line.

There was substantial testimony that the proposed office building is a permitted use in a M.L.R. zone and that the project conforms to the purposes of and is consistent with the zoning regulations for the M.L.R. zone. The evidence made clear that the proposed project complied with all other zoning regulations and that the plat identified as Petitioner's Exhibit 1 will serve as the site development plan as required for development of an individual establishment within an M.L.R. zone, pursuant to Section 252 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Expert testimony described the unique physical condition of the property, including narrowness of the lot and exceptional offsite topography southerly along York Road, which resulted in practical difficulties or unnecessary hardships in order to strictly comply with the B.C.Z.R.

Sarah Adams testified that she was the adjoining property owner along the southern boundary and that she was generally opposed to any development that would adversely impact her property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

PETITION FOR ZONING VARIANCE #157

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 250.2 to permit a sideyard setback of 5' in lieu of required 30' minimum and a sum of 35' for both sideyard setbacks in lieu of the required minimum sum for both of 80'; and, Section 250.3 to permit a rearyard setback of 5' in lieu of required 40', of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

That there are unique physical conditions, including irregularity, narrowness and shallowness of lot and shape and exceptional topographical and other physical conditions peculiar to and inherent in the property; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the aforesaid provisions of these regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: SK Properties, Inc. (Type or Print Name)
Signature: [Signature]
Address: 1505 York Road, Lutherville, MD 21093
City and State: [Blank]
Attorney for Petitioner: Stuart D. Kaplow (Type or Print Name)
Signature: [Signature]
Address: Suite 113, 305 W. Chesapeake Ave., Towson, MD 21204
City and State: [Blank]
Attorney's Telephone No.: 321-0600

Legal Owner(s): Howard B. Mays, M.D. (Type or Print Name)
Signature: [Signature]
Address: Box 221, 639-7036
City and State: [Blank]
Rock Hall, MD 21661
City and State: [Blank]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Stuart D. Kaplow, Suite 113, 305 W. Chesapeake Ave., Towson, MD 21204
Address: [Blank]
Phone No.: 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of January, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of January, 1988, at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of March, 1988 that a side yard setback of 5 feet in lieu of the required minimum of 30 feet and a sum of 47 feet for both side yard setbacks in lieu of the required minimum sum for both of 80 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall provide landscaping in accordance with the Baltimore County Landscaping Manual. Petitioner shall submit a landscaping plan to the Office of Current Planning for approval within thirty (30) days of the date of this Order.

WHITNEY BAILEY COX MAGNANI

#157

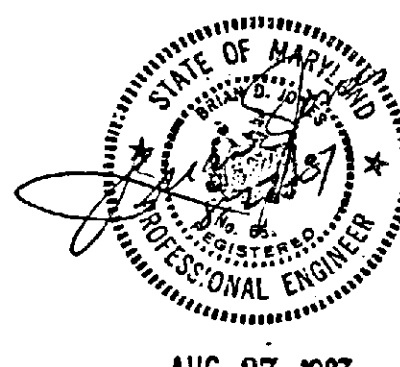
DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR VARIANCE OF SIDE AND REAR YARD SETBACKS

All that parcel of land in the Eighth Election District of Baltimore County,

Beginning for the same at a point on the west side of York Road (Maryland State Route 45, 66 feet wide) northerly 473 feet more or less from the centerline of Shawan Road, said point of beginning being also on the first line of division as described in a deed and agreement between George P. Mays and Marlin Bruce Adams and Sarah H. Adams dated March 25, 1977 and recorded among the land records of Baltimore County in Liber E.H.K. Jr. 5738 folio 692, thence running the following five courses, as now surveyed by McKee and Associates by survey dated July 16, 1987, viz:

- (1) N 89° 22' 45" W, 163.30 feet, (2) N 86° 59' 46" W, 140.94 feet
- (3) N 01° 33' 31" W, 80.26 feet, (4) N 89° 08' 32" E, 315.36 feet and
- (5) S 00° 44' 33" E, 93.98 feet to the point of beginning.

Containing 0.6389 acres of land more or less.



AUG 27 1987

3) Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management in connection with the development of this property.

J. Robert Haines
Zoning Commissioner of Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 3/9/88
By [Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-311-A

District: 8th
Posted for: Variance
Petitioner: Howard B. Mays
Location of property: W/S York Road, 473' N of c/1 of Shawan Rd. (11426 York Rd.)
Location of Sign: In front of 11426 York Rd.
Remarks: [Blank]
Posted by: S.D. Kaplow
Signature: [Signature]
Date of return: January 29, 1988
Number of Signs: [Blank]

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 28, 1988.

THE JEFFERSONIAN,

Sharon Stinebaugh Street
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland on Tuesday, February 16, 1988 at 9:00 A.M. Case Number: 88-311-A. VARIANCE TO PERMIT A SIDEYARD SETBACK OF 5' IN LIEU OF THE REQUIRED MINIMUM OF 30' AND A SUM OF 35' FOR BOTH SIDEYARD SETBACKS IN LIEU OF THE REQUIRED MINIMUM SUM FOR BOTH OF 80' AND 40' TO PERMIT A REARYARD SETBACK OF 5' IN LIEU OF THE REQUIRED MINIMUM OF 40'.

In the event that this Petition is denied, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing and above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
Baltimore County
1261 Jan 28

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein at 111 W. Chesapeake Avenue in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case number 88-311-A
W/S York Road 473' N of c/l of Shawan Road (11426 York Road)
8th Election District
3rd Councilmanic District
Petitioner: Howard B. Mays, M.D.
TUESDAY
FEBRUARY 16, 1988
AT 5:30 A.M.
(For snow date call 494-3353)
Variance to permit a side yard setback of 5' in lieu of the required 30' minimum and a sum of \$50.3 to permit a rear yard setback of 5' in lieu of the required 40'.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
407-Towson, MD 21204

THIS IS TO CERTIFY, that the annexed advertisement of

Notice of Hearing
was inserted in the following:
☐ Catonsville Times
☐ Arbutus Times
☐ Reporter Weekly
☐ Booster Weekly
☐ Owings Mills Flier
☐ Towson Flier \$36.26

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 30 day of January, 1988, that is to say, the same was inserted in the issues of

January 28, 1988

PATUXENT PUBLISHING COMPANY
By *[Signature]*

CERTIFICATE OF PUBLICATION OF

Office of
PATUXENT
Publishing Company
10750 Little Patuxent Pkwy.
Columbia, MD 21044

January 29 19 88

88-311-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of November, 1987.

[Signature]
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Howard B. Mays, M.D.
Petitioner's Attorney: Stuart D. Kaplow, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50563
DATE: 11/21/87 ACCOUNT: R-01-615-000
AMOUNT: \$ 85.22
RECEIVED FROM: *[Signature]*
FOR: *[Signature]*
B 142*****8522288-11-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45968
DATE: 2/16/88 ACCOUNT: R-01-615-000
AMOUNT: \$ 85.22
RECEIVED FROM: *[Signature]*
FOR: *[Signature]*
B 010*****8822288-11-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41750
DATE: 10/23/87 ACCOUNT: 01-615-000
AMOUNT: \$ 100.00
RECEIVED FROM: *[Signature]*
FOR: *[Signature]*
B 050*****100004 2254F

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

Howard B. Mays, M.D.
Box 221
Rock Hall, Maryland 21661

Re: Case number: 88-311-A
W/S York Road 473' N of c/l of Shawan Road
(11426 York Road)
8th Election District - 3rd Councilmanic District
Petitioner: Howard B. Mays, M.D.

Dear Dr. Mays:

Please be advised that \$85.22 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Stuart D. Kaplow, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-311-A
W/S York Road 473' N of c/l of Shawan Road
(11426 York Road)
8th Election District - 3rd Councilmanic District
Petitioner: Howard B. Mays, M.D.
DATE/TIME: TUESDAY, FEBRUARY 16, 1988 at 9:00 a.m.

Variance to permit a side yard setback of 5' in lieu of the required 30' minimum and a sum of \$50.3 to permit a rear yard setback of 5' in lieu of the required 40'.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Howard B. Mays, M.D.
Stuart D. Kaplow, Esq.
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Stuart D. Kaplow, Esquire
Suite 113, 305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 157 - Case No. 88-311-A
Petitioner: Howard B. Mays, M.D.
Petition for Zoning Variance

Dear Mr. Kaplow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Whitney, Bailey, Cox, Magman
1850 York Road
Timonium, Maryland 21093

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: January 14, 1988

P. David Fields
FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-311-A

This office sees no basis for supporting the granting of the subject request. Although the petitioner cites "unique physical conditions" with regard to lot shape and topography, we see a rectangular lot and fail to see severe topographical problems.

[Signature]
P. David Fields
Director

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
JAN 19 1988
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

Zoning Commissioner
County Office Building
Towson, Maryland 21204

November 10, 1987

Item No. 157
Property Owner:
Location:
Existing Zonings:
Proposed Zonings:

-ZAC-
Meeting of November 3, 1987
Robert B. Mays
W/S York Road, 473 Feet
N centerline Shawan Road
MLR
Variance to permit a side yard setback of 5 feet in lieu of the required 30 feet minimum and a sum of \$50.3 to permit a rear yard setback of 5 feet in lieu of the required 40 feet.
0.6389 acres
8th Election District

Area:
Districts:

Dear Zoning Commissioner:

The site plan should be revised for the following:

- 1) Check the proposed right-of-way widening of York Road.
- 2) The proposed driveway should be moved to the southern property line to improve the sight distance.

Very truly yours,
[Signature]
Michael S. Hagan
Traffic Engineer Associate II

MSF:ab

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

November 25, 1987

Re: Property Owner: Robert B. Mays

Location: W/S York Rd., 473' N. c/l Shawan Rd.

Item No.: 157

Zoning Agenda: Meeting of 11/3/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]*
Planning Group
Special Inspection Division

Noted and approved: *[Signature]*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #157, Zoning Advisory Committee Meeting of November 3, 1987
Property Owner: Robert B. Mays
Location: W/S York Rd, 473' N centerline Shawan Rd District 8
Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a building permit for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities at other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____, must be _____ conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () Is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the porability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Karen D. Murray
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 10, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Item #157
Property Owner:
Robert B. Mays
Location: W/S York Rd
Maryland Route 45
473' N centerline
Shawan Road
Existing Zoning: MLR
Proposed Zoning:
Variance to permit a
side yard setback of 5'
in lieu of the required
30' minimum and a sum of
35' for both side yard
setbacks in lieu of the
required minimum sum for
both of 80', and to
permit a rear yard
setback of 5' in lieu
of the required 40'
Area: 0.6389 acres
District: 8th

RECEIVED
NOV 13 1987

ZONING OFFICE

Dear Mr. Haines:

On review of the submittal dated 8/2787, the State Highway Administration, Bureau of Engineering Access Permits finds the concept of the site plan generally acceptable but has the following comments.

This plan must be revised to move the proposed entrance to be measured from the southern property line 30' to the center of the proposed entrance. This revision must be made to improve the site distance on York Road, Maryland Route 45.

Also, the frontage of the site must be cut back to accommodate the 62' widening (31' half section), measured from the centerline of York Road.

In order to construct an adequate deceleration lane into the site, widening of an additional 300' must be accomplished. Bituminous concrete curb must be constructed to meet the existing concrete curb and gutter.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Robert Haines
Page 2
November 10, 1987

A minimum 35' taper must be constructed to the south of the site, however, we recommend a 100' taper be constructed across the adjoining owners right-of-way.

All curb and gutter on the frontage of the site must be standard Type "A" combination curb and gutter.

A 10' radius must also be shown at the proposed entrance. It is requested that these revisions be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato of this office at 333-1350.

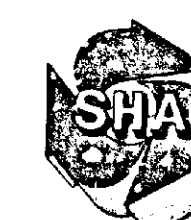
Very truly yours,

Robert J. Mills, Jr.
Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es

attachment

cc: Whitney, Bailey, Cox,
and Magnani



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

January 27, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Robert B. Mays Property
W/S York Road
Maryland Route 45
473' North of the
Centerline of Shawan Rd.
(Item #157.)

Attention: Mr. James Dyer

Dear Mr. Haines:

The following are revisions made to our initial letter dated November 10, 1987.

1. The entrance must be moved south 5' (25' from southern property line) eliminating the 5' tangent.
2. The roadway must be widened to 24' from the centerline instead of the initial requirement of 31'.
3. The widening must be extended to the north to where existing paving is 24' from the centerline. This is approximately 150' instead of the initial requirement of 300'.

The widening north of the site may be constructed with Bituminous Curb and the frontage of the site will be constructed with S.H.A. concrete curb and gutter.

The 35' transition taper to the south will remain the same.

It is requested these revisions be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Robert J. Mills, Jr.
Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. J. Ogle
Whitney, Bailey, Cox &
Magnani

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

April 22, 1988



Dennis F. Rasmussen
County Executive

Stuart D. Kaplow, Esquire
Vin, Cann and Hankin
13 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case #88 31-A
Howard B. Mays, M.D., et al

Dear Mr. Kaplow

In reference to your letter of April 6, 1988, I have reviewed the issues raised by you and clarified the assertions raised in reference to the final landscape plan. Due to the inability of the developer to provide a final landscape plan at this time, I am more than willing to accept the conceptual plan which is available.

Clearly, the final development plan will have to be submitted to the Office of Current Planning for final acceptance at the appropriate time in the development of this project.

If you should have any questions concerning this matter, please feel free to contact me.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Avery Hardin
Office of Current Planning

LAW OFFICES
LEVIN, CANN & HANKIN

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301 321-0600
FAX 301 296-2801

April 6, 1988

ELLIS LEVIN (1893-1960)
BALTIMORE OFFICE
10 LIGHT STREET
BALTIMORE, MD 21202
301-598-2100
FAX 301-598-2100
CARROLL COUNTY OFFICE
1137 LIBERTY ROAD
SYKESVILLE, MD 21784
301-785-6600

RECEIVED
APR 6 1988

ZONING OFFICE

J. Robert Haines
Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Howard B. Mays, M.D., et al.
Case No: 88-311-A

Dear Mr. Haines:

This letter will confirm our conversation of last week with respect to your Order of March 9, 1988 in the above-captioned matter wherein we discussed the restriction contained in enumerated paragraph 2 with respect to submission of a landscaping plan.

After discussions with Avery Hardin, it has become apparent that it is not practical to submit a final landscaping plan at this early stage in the development process. Prior to CRG plan approval, the development remains only conceptual in nature and typically final construction plans are not begun until the grading and building permit stage.

Accordingly, we will submit to the Office of Current Planning the plat that accompanied the Petition for Zoning Variance which depicts a conceptual landscape plan for the site.

A final landscape plan, incorporating the comments and suggestions of County and State Agencies and the community will follow the CRG process.

If you should have any questions about this matter or should this letter not confirm our conversation with respect to the

LEVIN, CANN & HANKIN

J. Robert Haines
Page 2
April 6, 1988

Order's requirements for a landscape plan, please notify me within 5 days of receipt of this letter.

Sincerely,

Stuart D. Kaplow
Stuart D. Kaplow

SDK:cc

cc: Mr. Avery Hardin
Ms. Susan Knott
Mr. Barre C. Lyons

S K PROPERTIES

Real Estate Development

November 14, 1989

Charles Towson Building
1104 Kensington Drive
Towson, Maryland 21204
301-593-1800
FAX: 301-296-3521

Mr. Carl Richards
Department of Zoning
Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RE: REQUESTING PERMISSION TO PLACE HVAC UNITS IN 5' VARIANCE

Dear Mr. Richards:

Pursuant to the recent conversation among yourself, Janet Kelly, and I, please find enclosed a site plan with the proposed HVAC units placed within the 5' variance area. There are a total of eight (8) units. Three (3) of the units are 38" X 79" and the remaining five (5) units are 32" X 42". All units will be placed entirely on our property.

As you are well aware, the property north of our property; where we have a five (5') foot setback line, is the storm water management facility for Hunt Valley Hall. I do not foresee this property ever being used for building purposes.

I thank you for your time and consideration regarding this matter. If you have any questions regarding this matter, please do not hesitate to call me.

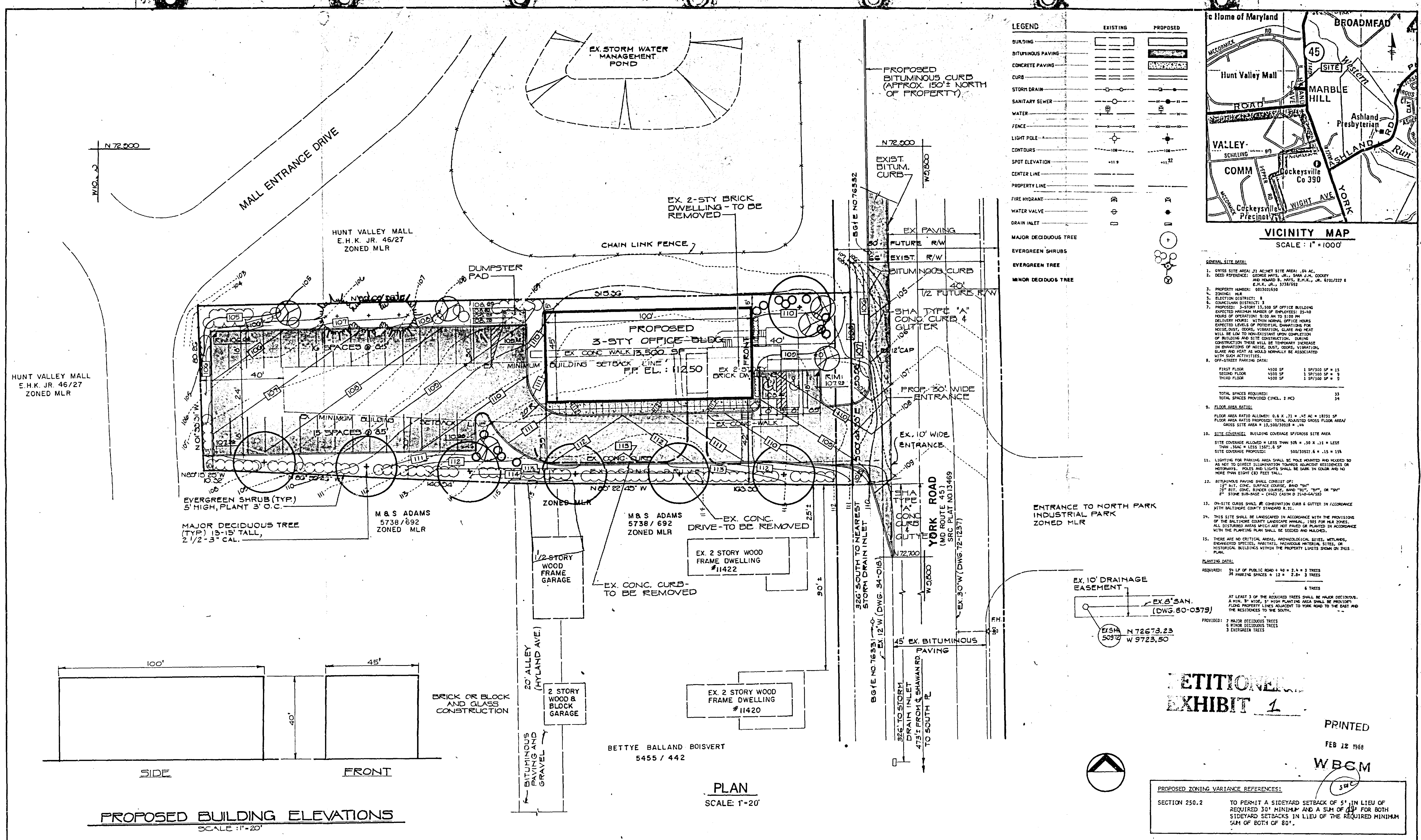
Very truly yours,

Richard E. Bechtold
Richard E. Bechtold
Project Coordinator

REB:kb

enc.

OK
Carl Richards / SRH
11/20/89



OWNER: GEORGE MAYS, JR., SARA J.M. COCKEY AND HOWARD B. MAYS E.H.K. JR. 5738/692 E.H.K. JR. 6701/227	APPLICANT: SK PROPERTIES 1505 YORK ROAD LUTHERVILLE, MD. 21093	PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES		REVISIONS			WHITNEY BAILEY COX MAGNANI CONSULTING ENGINEERS 1850 YORK ROAD, TIMONUM, MD. 21093	ZP-1 OF 1
		MLR SITE DEVELOPMENT PLAN						
11426 YORK ROAD COCKEYSVILLE, MARYLAND								